

106th TN General Assembly

Second Regular Session



Tuesday, April 6, 2010

SENATE

COMMITTEE REPORTS

FINANCE, WAYS & MEANS – SHR #12 – 8:30 a.m. –

Rec. for pass., ref to Calendar – SB's 3194, 3686.

Rec. for pass. if am., ref to Calendar – SB's 2606, 2959.

Rec. for adopt., ref to Calendar – SJR's 715, 761, 764, 784.

Rec. for concur., ref to Calendar – HJR 754.

Action def. – SJR's 756, 860, SB's 94, 2965, 3011, 3100, 3158, 3363, 3398, 3410, 3452, 3524, 3644, 3678, 3874, 3909, 3880.

GENERAL WELFARE, HEALTH & HUMAN RESOURCES – SHR #12 – 10:30 a.m. –

Rec. for pass. if am., ref to Calendar – SB's 2563, 3828, 2867, 3804.

Rec. for pass. if am., ref to FW&M – SB's 3729, 3101, 2768, 3341.

Rec. for adopt., ref to Calendar – SJR 890.

Action def. – SB's 3211, 3209, 3846, 3332.

Ref. to Gen. Sub. – SB's 3525, 3185, 2960, 3256.

JUDICIARY – SHR #12 – 2:30 p.m. – Calendar will be continued Wednesday at 1:00 p.m. –

Rec. for pass., ref to Calendar - SB's 3627, 3314

Rec. for pass. If am., ref to Calendar - SB's 3519, 2750

Rec. for pass. If am., ref to FW&M - SB's 197

Rec. for adopt. If am., ref to Calendar - SJR 698.

Action def. - SJR 897, SB's 902, 2902, 2905, 3137, 2970, 2969, 2395, 3697, 3008, 2757, 3178, 3754, 3783, 2881, 3781, 3317, 3310, 3065, 2832, 3589, 3540, 2552, 2709, 2882, 3411, 2985, 3098, 3459, 3461, 3290, 1220, 3094, 3036, 2818, 3740, 1721, 1722, 1264, 3353, 3346, 844, 744, 3012.

CALENDARS FOR WEDNESDAY, APRIL 7, 2010

Consent

1. SJR 0906 by *Watson

Memorials, Interns - L. Erin Duffy -

2. SJR 0907 by *Haynes, Marrero B, Henry, Tate, Herron, Stewart, Finney L, Kyle, Norris, Crowe, Woodson, Ford, O., Harper, Barnes, Berke, Burks, Black, Southerland, Bunch, Tracy, Gresham, Johnson, Beavers, Ketron, Yager, Kelsey, Faulk

Memorials, Death - Dr. A. R. Haskell -

3. SJR 0908 by *Herron

Memorials, Academic Achievement - Heather Alyssa Kee, Salutatorian, Camden Central High School -

(Senate Consent Calendar cont.)

4. SJR 0909 by *Herron

Memorials, Academic Achievement - Tyler Leslie Curtis, Valedictorian, Camden Central High School -

5. SJR 0910 by *Herron

Memorials, Recognition - Becky Atnip -

6. SR 0207 by *Burchett

Memorials, Recognition - Pork Knox Q-Fest -

7. HJR 0962 by *Halford

Memorials, Recognition - Town of Rutherford, Sesquicentennial -

8. HJR 0963 by *Floyd, Brown, Cobb J, Dean, Favors, McCormick

Memorials, Personal Achievement - Brandon Chase Hookey, Eagle Scout -

9. HJR 0964 by *Floyd, Brown, Cobb J, Dean, Favors, McCormick

Memorials, Retirement - Dr. Albert C. Goss -

10. HJR 0965 by *Pitts, Johnson C

Memorials, Sports - Clarksville Academy cheerleaders, Best Cheer Squad -

11. HJR 0966 by *Pitts, Johnson C

Memorials, Professional Achievement - Deborah Chancellor, Regional Teacher of the Year -

12. HJR 0969 by *Yokley

Memorials, Death - Sally Elizabeth "Libby" Norris McMahan -

13. HJR 0970 by *Ramsey, Montgomery, Roach, McCord

Memorials, Recognition - 2010 Troutfest -

14. HJR 0971 by *Ramsey, McCord

Memorials, Academic Achievement - Kyle Robert Perkins, Valedictorian, Heritage High School -

15. HJR 0972 by *Ramsey, McCord

Memorials, Academic Achievement - Elisabeth Marshall Spratt, Salutatorian, Heritage High School -

16. HJR 0990 by *Shaw, Rich

Memorials, Sports - Bolivar Central High School boys basketball, State Champions -

Local Bill

1. SB 2527 by *Faulk (HB 2521 by *Faulkner)

Union County - As introduced, subject to local approval, enacts a hotel/motel tax.

2. SB 3927 by *Black (HB 3969 by *Evans)

Springfield - As introduced, subject to local approval, conforms board of mayor and aldermen action that must be exercised by ordinance to the general law requirements. - Amends Chapter 1 of the Private Acts of 1989.

3. SB 3935 by *Gresham (HB 3977 by *Rich)

Middleton - As introduced, subject to local approval, amends the charter to establish the corporate boundaries as those presently fixed by charter; reset the election of mayor and alderpersons from February in odd-numbered years to November every four years; extends the expiration of current terms from February 2011 to December 2012 to meet the November 2012 election. - Amends Chapter 220 of the Private Acts of 1953; as amended.

Regular

1. SB 2361 by *Gresham (HB 2395 by *Dennis)

Savannah - As introduced, subject to local approval, sets the city election to coincide with the general state election beginning in November 2012; extends time by which the city may contract with the city manager, from one to three years. - Amends Chapter 683 of the Private Acts of 1951; as amended.

2. *SB 2735 by *Berke, Marrero B, Finney L, Stewart, Jackson (HB 2826 by *Cobb T)

Hazardous Materials - As introduced, prohibits the acceptance and storage of radioactive waste at landfills or commercial facilities in this state. - Amends TCA Title 68.

(Senate Regular Calendar cont.)

3. ***SB 2761 by *Ford, O., Crowe, Harper, Black (HB 2912 by *Cooper B, DeBerry L)**
Special License Plates - As introduced, authorizes issuance of Down Syndrome awareness new specialty earmarked license plates; allocates 50 percent of funds derived from sale of such plates to The Down Syndrome Association of Memphis and the Mid-South. - Amends TCA Title 55, Chapter 4.
4. ***SB 2825 by *Ford, O. (HB 2913 by *Cooper B)**
State Inmates - As introduced, requires the commissioner of correction to report to the select oversight committee on corrections concerning a study of inmates incarcerated by the department who are nonviolent offenders and age 65 and older. - Amends TCA Title 41.
5. ***SB 2826 by *Ford, O. (HB 2914 by *Cooper B)**
State Inmates - As introduced, requires the comptroller to study the number of state inmates who have been incarcerated for crimes for which they have not been convicted. - Amends TCA Title 8 and Title 41.
6. ***SB 2827 by *Ford, O. (HB 2915 by *Cooper B)**
State Inmates - As introduced, requires the comptroller to study the number of inmates in county jails who have been incarcerated for offenses for which they have not been convicted. - Amends TCA Title 8 and Title 41.
7. **SB 2297 by *Kyle, Finney L, Marrero B, Burks, Yager, Harper, Black, Ford, O. (*HB 2284 by *Ferguson, Turner M)**
Abuse - As introduced, enacts the "Elderly and Disabled Adults Protection Act of 2009." - Amends TCA Title 33; Title 34; Title 63; Title 68 and Title 71.
8. **SB 2667 by *Burks (*HB 2670 by *Fincher)**
Public Records - As introduced, revises the manner in which and by whom military discharge records may be viewed. - Amends TCA Title 8, Chapter 13 and Section 10-7-513.
9. **SB 3154 by *Overbey, Marrero B (*HB 3177 by *Dean)**
Health Care - As introduced, authorizes board of medical examiners to promulgate rules to implement the genetic counselors' licensing act. - Amends TCA Title 63.
10. **SB 3593 by *Ketron (*HB 3633 by *Todd)**
Public Property - As introduced, requires any state department, agency, or institution, to procure bids for obtaining appropriate insurance on a commercial grade vehicle prior to acquiring the vehicle. - Amends TCA Section 9-8-108 and Section 12-3-908(a).
11. ***SB 2023 by *Berke, Marrero B, Stewart, Finney L, Ford, O. (HB 2219 by *Stewart)**
State Government - As introduced, establishes an EFFECTs position to establish an accountability process to insure state government is efficient, forward-looking, focused, energetic, competent, and transparent. - Amends TCA Title 4.

Message

1. **SB 2361 by *Gresham (HB 2395 by *Dennis)**
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(Senate Message Calendar cont.)

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SENATE CONVENES AT 8:30 A.M., WEDNESDAY, APRIL 7, 2010

HOUSE

COMMITTEE REPORTS

AGRICULTURE – HHR #29 – 9:15 a.m. –

Rec. for pass., ref to C&R – HB 3913.

Failed – HB 627.

Action def. – HB 3858.

CALENDAR & RULES – HHR #16 – 8:00 a.m. –

Reg. Cal. 4/8 – HB's 5, 608, 3447, 3651, 3824, 3954, 3955, 2915, 3753, 2681, 3641.

Con. Cal. 4/12 – HB's 3973, 3416, HJR 786.

Action def. – HB's 3018, 2589, HJR 704.

CHILDREN & FAMILY AFFAIRS – HHR #31 – 12:00 noon –

Rec. for pass., ref to C&R – HB 3425.

Action def. – HB's 3423, 3422, 3427, 3647, 3850, 33, 3114, 2992.

Taken off notice – HB's 362, 2916.

COMMERCE – HHR #16 – 9:16 a.m. –

Rec. for pass., ref to C&R – HB's 2970

Rec. for pass. if am., ref to C&R – HB 3801

Action def. – HB's 3433, 3654, 3717, 3504, 3782, 2622, HJR's 745, 722.

Taken off notice – HB 3937.

CONSERVATION & ENVIRONMENT – HHR #29 – 2:00 p.m. –

Rec. for pass. if am., ref to C&R – HB's 3842, 3287, 958.

Rec. for pass. if am., ref to FW&M – HB 3936.

Rec. for concur., ref to FW&M – SJR 306.

Action def. – HB's 134, 3904, 2411, 2837, 3683.

FINANCE, WAYS & MEANS – HHR #16 – 2:00 p.m. –

Rec. for pass., ref to C&R – HB's 3046, 3366, 3709, 3732, 2483, 2485, 3218, 725, 2663, 2548, 1338, 2372, 3250, 148.

Rec. for pass. if am., ref to C&R – HB's 3924, 3879, 3471, 1402.

Rec. for adopt., ref to C&R – HJR's 807, 806.

Action def. – HB's 206, 3428

HEALTH & HUMAN RESOURCES – HHR #16 – 10:30 a.m. –

Rec. for pass., ref to C&R – HB 3177.

Rec. for pass. if am., ref to C&R – HB 3814.

Rec. for pass. if am., ref to FW&M – HB 3758.

Rec. for concur., ref to C&R – SJR 794.

Action def. – HB's 3346, 1895, 3834, 3316, 3950, 2562, 3947, 2145, 3156, 3368, 2655, 2873, 3770.

JUDICIARY – HHR #31 – 3:30 p.m. –

Rec. for pass. If am., ref to C&R - HB's 2805, 2951, 185, 172.

Rec. for pass. If am., ref to FW&M - HB 3164.

Action def. - HB 2719, HJR 30, HB's 2284, 3964, 719, 2779, 2780, 3894, 2781, 33387, 3768, 3057, 3284.

Taken off notice - HB's 2718, 3254, 2872.

STATE & LOCAL GOVERNMENT – HHR #16 – 12:00 noon –

Rec. for pass., ref to C&R – HB's 3968, 3935, 2635.

Rec. for pass. if am., ref to C&R – HB's 3248, 1339, 2914, 3705, 3892, 3604, 3446.

Rec. for pass., ref to FW&M – HB's 3443, 3606, 2675.

Rec. for pass. if am., ref to FW&M – HB's 3165, 2703, 2522, 3591.

Rec. for concur., ref to C&R – SJR 765.

Failed – HB 2899.

Re-ref to House Desk – HJR 5, HB 3715.

Action def. – HJR 852, HB's 3576, 195, 2665, 3070, 499, 3456.

Taken off notice – HB's 3347, 2688

(House Committee Reports cont.)

TRANSPORTATION – HHR #16 – 3:30 p.m. –

Rec. for pass., ref to C&R - HB 3489.

Rec. for pass. If am., ref to FW&M - HB 3025.

Failed - HB 1426.

Action def. - HB's 3146, 2544, 3120, 2797, 3024, 2516, 3684.

Taken off notice - HB 2196.

SUBCOMMITTEE REPORTS

General – HHR #29 –

Failed – HB 163.

Action def. – HB 3748.

Taken off notice – HB 3682.

Professional Occupations – HHR #31 – 8:30 a.m. –

Rec. for pass. – HB 3580.

Public Safety – HHR #16 –

Rec. for pass. - HB's 3408, 3262, 1312, 3780, 3371, 3930.

Rec. for pass. If am. - HB 1333.

Rec. for adopt. - HJR's 777, 917.

Action def. - HB's 36, 149, 1372, 1882m 2733, 2738, 2883.

State Government – HHR #30 – 2:00 p.m. –

Rec. for pass. if am. – HB's 2911, 3402.

Rec. for adopt. – HJR 708.

Failed – HB 2826.

CALENDARS FOR WEDNESDAY, APRIL 7, 2010

Consent

1. HJR 1010 by *Borchert

Memorials, Academic Achievement - Victoria Ann Pierpont, Valedictorian, Big Sandy High School - The Abstract summarizes HJR1010 as introduced.

2. HJR 1011 by *Borchert

Memorials, Academic Achievement - Charles Kelby Snow, Salutatorian, Big Sandy High School - The Abstract summarizes HJR1011 as introduced.

3. HJR 1012 by *Borchert

Memorials, Academic Achievement - Christina Ying En Wu, Valedictorian, Stewart County High School - The Abstract summarizes HJR1012 as introduced.

4. HJR 1013 by *Borchert

Memorials, Academic Achievement - Steven Allen Rimmer, Salutatorian, Stewart County High School - The Abstract summarizes HJR1013 as introduced.

5. HJR 1014 by *Borchert

Memorials, Academic Achievement - Heather Alyssa Kee, Salutatorian, Camden Central High School - The Abstract summarizes HJR1014 as introduced.

6. HJR 1015 by *Borchert

Memorials, Academic Achievement - Tyler Leslie Curtis, Valedictorian, Camden Central High School - The Abstract summarizes HJR1015 as introduced.

7. HJR 1017 by *Harrison

Memorials, Retirement - Wayne Dean - The Abstract summarizes HJR1017 as introduced.

8. HJR 1018 by *Hawk

Memorials, Death - Geneva Mashburn - The Abstract summarizes HJR1018 as introduced.

9. HJR 1020 by *McDonald

Memorials, Heroism - Dalton Wix - The Abstract summarizes HJR1020 as introduced.

10. HJR 1023 by *Coley, Kernell, Lollar, McManus, Eldridge, Richardson, DeBerry L, Camper, DeBerry J, Jones U, Turner J

Memorials, Death - Alex Chilton - The Abstract summarizes HJR1023 as introduced.

(House Consent Calendar cont.)

11. SJR 0903 by *Black, Tracy, Haynes

Memorials, Sports - Beech High School boys' basketball team, District 9-AAA champions - The Abstract summarizes SJR0903 as introduced.

12. SJR 0904 by *Overbey

Memorials, Recognition - Raymond Mack Garner - The Abstract summarizes SJR0904 as introduced.

Regular

1. HB 2651 by *Brooks K, Bone (*SB 2563 by *Bunch)

Medical Occupations - As introduced, enacts the Colby Stansberry Act to regulate the release of medical or hospital records only upon the informed consent of the patient or the patient's authorized representative. - Amends TCA Title 63, Chapter 2, Part 1 and Title 68, Chapter 11, Part 15.

2. *HB 2506 by *Matlock, Watson, Rich, Cobb J (SB 2545 by *Bunch)

Criminal Offenses - As introduced, creates new criminal offenses prohibiting felon from possessing a radio capable of receiving emergency voice transmissions; a person possessing such a radio during commission of crime; and person using information from radio to facilitate felony or interfere with emergency transmissions. - Amends TCA Title 39, Chapter 13, Part 6.

3. *HB 3389 by *Moore (SB 3590 by *Ketron)

State Employees - As introduced, requires all state employees who are supervisory personnel to reside in Tennessee during time such person is employed to fill such position. - Amends TCA Title 8, Chapter 30, Part 2.

4. HB 3391 by *Moore, Stewart (*SB 2813 by *Haynes)

Courts, Circuit - As introduced, authorizes circuit court judges in Davidson County having domestic or probate jurisdiction to appoint one or more persons to act as magistrates. - Amends TCA Section 17-2-123.

5. *HB 3090 by *Fitzhugh (SB 3140 by *McNally, Ketron, Crowe)

Pensions and Retirement Benefits - As introduced, authorizes local government entity eligible to participate in the Tennessee consolidated retirement system to elect to participate in any deferred compensation program for state employees, subject to approval of the chair of the retirement system. - Amends TCA Title 8, Chapter 25, Parts 1 and 3.

6. HB 3095 by *Fitzhugh (*SB 2633 by *Johnson)

Employees, Employers - As introduced, allows employers to pay employees via electronic automated fund transfer into an account in the name of the employee or by credit to a prepaid debit card from which the employee is able to withdraw or transfer funds. - Amends TCA Section 50-2-103.

7. *HB 0193 by *Mumpower (SB 0131 by *Faulk)

Railroads - As introduced, requires every railroad operating trains within the state to notify the commissioner of transportation of the name, address, and telephone number of its registered agent for service of process. - Amends TCA Title 7. - The Abstract summarizes HB0193 as introduced.

8. *HB 3588 by *Coleman, Moore, Fincher (SB 3519 by *Overbey)

Property - As introduced, requires that the lender, trustee, or other creditor send the debtor a notice of the right to foreclose prior to the first publication of a notice of a foreclosure sale of a deed of trust, mortgage, or other lien securing the payment of money or other thing of value on an owner-occupied residence. - Amends TCA Titles 35 and 45.

9. HB 3282 by *Coleman, Rich, Bass, Lundberg, Watson, Coley, Matheny (*SB 3121 by *Faulk)

DUI/DWI Offenses - As introduced, allows general sessions court to determine whether a person charged with DUI also violated the implied consent law rather than requiring implied consent cases to be heard by court determining the DUI. - Amends TCA Title 55, Chapter 10.

10. *HB 2627 by *DeBerry J (SB 2584 by *Black, Ford, O.)

Children's Services, Dept. of - As introduced, specifies that a court's placement recommendation regarding a child in the custody of the department shall be based on a preponderance of the evidence. - Amends TCA Section 37-1-129.

(House Regular Calendar cont.)

11. *HB 2628 by *DeBerry J (SB 2585 by *Black, Ford, O.)

Children - As introduced, requires a court to find that the department of children's services or licensed child placing agency has made reasonable efforts to place a child for adoption and that it is in the best interest of the child before awarding guardianship to a permanent guardian. - Amends TCA Section 36-1-113.

12. *HB 2630 by *DeBerry J (SB 2587 by *Black, Ford, O., Gresham)

Foster Care - As introduced, makes certain changes regarding permanency plans for foster care, including giving parents the right to attend and participate in foster care permanency plan reviews and changing the suggested membership of foster care review boards. - Amends TCA Title 36, Chapter 1 and Title 37, Chapter 2.

13. *HB 2460 by *Lynn (SB 2424 by *Watson, Crowe)

Sunset Laws - As introduced, extends wildlife resources commission, June 30, 2014. - Amends TCA Title 4, Chapter 29 and Title 70, Chapter 1. - The Abstract summarizes HB2460 as introduced.

14. *HB 3633 by *Todd (SB 3593 by *Ketron)

Public Property - As introduced, requires any state department, agency, or institution, to procure bids for obtaining appropriate insurance on a commercial grade vehicle prior to acquiring the vehicle. - Amends TCA Section 9-8-108 and Section 12-3-908(a).

15. *HB 2863 by *Swafford (SB 2859 by *Faulk)

Fiscal Review Committee - As introduced, requires fiscal review committee staff to compare actual fiscal impact of at least five public chapters to the fiscal impact as stated in the fiscal note and present such review to fiscal review committee each year. - Amends TCA Title 3.

16. *HB 3379 by *Sontany, Hawk, McCormick, Maggart (SB 3367 by *Marrero B)

Animals and Animal Cruelty - As introduced, changes the required holding period by a humane society before destroying an abandoned animal from 72 hours to 120 hours. - Amends TCA Title 39, Chapter 14, Part 2.

17. SB 3583 by *Ketron, Black, Burks (*HB 3161 by *Curtiss, Dunn)

Education - As introduced, allows any school resource officer who witnesses an offense by a student receiving special education to take the student into custody. - Amends TCA Title 49, Chapter 10, Part 13.

18. HB 3432 by *Coleman (*SB 3196 by *Finney L)

Criminal Procedure - As introduced, prohibits a petitioner from making certain arguments in a post-conviction petition when certain admissions by the petitioner in regards to accepting a plea bargain were made. - Amends TCA Title 40, Chapter 30.

19. *SB 3666 by *Watson (HB 3909 by *Lynn)

Environment and Conservation, Department of - As introduced, deletes requirement that the department maintain a master plan for state parks. - Amends TCA Title 11, Chapter 3, Part 1.

Message

1. *HB 3309 by *Mumpower, Lundberg, Shipley (SB 3399 by *Faulk)

Aircraft and Airports - As introduced, requires creation of regional airport authority when a majority of the local governments operating a regional airport commission recommend regional airport authority be created. - Amends TCA Title 42, Chapter 3, Part 1.

2. *HB 3420 by *Litz, Hardaway (SB 3471 by *Jackson)

Juvenile Offenders - As introduced, requires an official from the facility or the department of children's services to notify local news media of an escape from a secure detention or correctional facility by a juvenile who is alleged or adjudicated delinquent for an offense that would be a felony if committed by an adult. - Amends TCA Title 37, Chapter 1.

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